

REMARKS

Claims 1, 3-12, 40-42, and 45-54 are pending in the application. The indication that claims 46-50 are allowable and that claims 51, 52, and 54 would be allowable if rewritten incorporating the base claim is noted with appreciation. Claim 1 has been amended to include the limitation of claim 51 and claim 51 has been canceled. Claim 54 has been rewritten in independent form incorporating the features of claim 1.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of co-pending Application Number 10/763,534. This provisional rejection will be addressed should claim 1 be allowed.

Claims 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 638 486 A1 in view of U.S. Patent No. 4,925,683 to Fischbach et al. ("Fischbach"). Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,853,234 to Bentley in view of Fischbach. Claims 1, 3-12, 40, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,846,052 to Favre et al. ("Favre") in view of Fischbach. The Applicants respectfully traverse each of these rejections.

As indicated above, claim 1 has been amended to incorporate claim 51 which has been indicated as allowable if redrafted to incorporate the base claim. Therefore it is respectfully submitted that claims 3-12, 45, 52 and 53, dependent therefrom, are allowable as well. Claim 40 has been amended and the Applicants respectfully submit that claim 40 is now allowable. The Applicants respectfully assert that claims 41 and 42, dependent from claim 40, are also allowable. Finally, claim 54, which was indicated as allowable if amended to incorporate the base claim, has been amended as such.

The Applicants respectfully request reconsideration and allowance of all pending claims.

Application No. 10/763,680
AMENDMENT AFTER FINAL dated December 9, 2008
Reply to Office Action of September 9, 2008

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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